



Chino Mines Company, Hurley, New Mexico 88043 • (505) 537-3381

July 23, 2007

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Ms. Cindy Padilla, Director
New Mexico Environment Department
Water and Waste Management Division
P. O. Box 26110
Santa Fe, New Mexico 87502

Dear Ms. Padilla:

Re: Revised Summer Rainfall Pool Sampling Technical Memorandum
Hanover and Whitewater Creeks Investigative Unit (HWWCIU) – Chino AOC

Submitted under separate cover are responses to comments provided by the New Mexico Environment Department (NMED) and a revised Technical Memorandum (TM) for the Summer Rainfall Pool Sampling performed under the Hanover and Whitewater Creeks Investigation Unit of the Administrative Order on Consent. The revisions were made to the TM upon receipt of the NMED comment letter dated June 5, 2007. The revised TM and response to comments were submitted today to Messrs. Chris Eustice and Phil Harrigan.

Please contact Mr. Mike Leach at (602) 366-8452 if you have any questions regarding this report.

Sincerely,

Timothy E. Eastep, Manager
Environment, Land & Water

TEE:pp
20070723-003

c Messrs: Chris Eustice, NMED
Phil Harrigan, NMED
William Olson, NMED
Mark Purcell, EPA



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**Response to NMED Comments
Technical Memorandum, Summer Rainfall Pool Sampling,
Hanover/Whitewater Creeks Investigative Unit**

July 22, 2007

This document presents Chino Mines Company's (Chino) response to comments from the New Mexico Environment Department (NMED) on the Technical Memorandum (TM) for the Summer Rainfall Pool Sampling. This TM is part of the Hanover/Whitewater Creeks Investigation Units of the Administrative Order on Consent (AOC) for Chino Mines Company (Chino). The comments were received from the NMED in a letter dated June 5, 2007. The TM was prepared in accordance with the Scope of Work associated with the AOC between Chino and the NMED. The TM has been revised to incorporate the comments, and will arrive under separate cover.

Comment No. 1 - Section 2.0, page 1

In order to more accurately state the objectives of the sampling stated in the first sentence please change to read; "The objective of the sampling was to provide representative data from summer rainfall pools for use in assessing potential risks to human health, and aquatic and semi-aquatic receptors within the Hanover and Whitewater Creek drainages.

Chino Response:

The suggested change has been made to the text.

Comment No. 2 - Section 2.0; Page 2: Last Paragraph

The report states that the physical reaches adjacent to the Chino tailings ponds were not sampled because they were manmade features rather than natural channel. While no further sampling may be necessary from those reaches, this statement must be removed from the document because it is misleading. The purpose of this sampling was to assess potential risks to human health, and aquatic and semi-aquatic receptors within the Hanover and Whitewater Creek drainages and the natural status of the surface water pools within the creek is not relevant to the potential exposure of these populations of receptors.

Chino Response:

The suggested change has been made to the text.

Comment No. 3 - Section 4.0; Page 3:

The first sentence of Section 4.0 indicates that laboratory data for lower Whitewater Creek were validated. Were samples from other locations validated? Please clarify which data were or were not validated and provide a more detailed explanation as to why some data were validated and others were not.

Chino Response:

This was a misprint. All data from summer rainfall pool samples was validated without exception. The text has been corrected to reflect this.

Comment No. 4, Section 4.0; Page 5: Second Paragraph

The text notes that 43 of 504 samples were qualified as estimated based on the Data Validation Report (Appendix B). A review of Appendix B indicated that several of these values for copper should not be qualified as estimated values. Please see Comment No. 8 (below) for more details. Section 4.0 and associated tables may need to be edited following changes to the Data Validation report. These changes are not, however, expected to effect the usability of the currently 'J-qualified' copper data.

Chino Response:

Please see response to Comment Nos. 7 and 8 below.

Comment No. 5; Section 6.0; Page 7; First Paragraph

Please add the following to the end of the last sentence in the first paragraph: "... however, for species that depend on the presence of surface water for reproductive purposes, the presence of these pools may be critical." While the summer rainfall pools may only be a short lived source of water for mammals and birds, they represent habitat necessary for reproduction and maintenance of populations of amphibians and many aquatic invertebrates.

Chino Response:

The suggested change has been made to the text.

Comment No. 6 – Appendix A

The Final Draft Validation Report for Surface Water Sampling, prepared by URS and dated January 15, 2007 appears to be a draft document. Microsoft Word change tracking tools are found in all page headers and in a table on page 4-2. Please provide a non-draft version of Appendix B.

Chino Response:

For Appendix B, the Final Data Validation Report for Surface Water Sampling has replaced the draft version in the revised TM.

Comment No. 7 – Appendix B; Section 5.2.5


Samples HC-51.6 and HC-51.6 (DIS) appear to have been erroneously evaluated as filed duplicate samples during the validation process. These samples were collected as a filtered and unfiltered sample pair for analysis and do not represent field duplicates. As a result, all copper results from samples HC-51.6, WWC-38.1, BC-1, BFT-1, WWC-29.7, WWC-28.6, and their associated dissolved samples, were qualified as estimated values with the 'J' or 'UJ' qualifier. While this error is not likely to have an effect on the usability of the data, the erroneous comparison of a total and dissolved sample pair as field duplicates should be corrected and all text and tables within the main text, Appendix B and Appendix C that report or discuss the improperly flagged copper data should be reviewed and corrected as necessary.

Chino Response:

Section 5.2.5 of Appendix B addresses method duplicate samples and not field duplicate samples. Chino respectfully points out that the first sentence of the first paragraph of this section clarifies the type of duplication. These method duplicate samples are used to assess the laboratory method and the validation results are unrelated to the field duplicates. Therefore, the copper data for HC-51.6, WWC-38.1, BC-1, BFT-1, WWC-29.7, and WWC-28.6 have been properly validated with the 'J' and 'UJ' qualifiers. Therefore, no changes are needed in the main text, tables, Appendix B, and Appendix C.

For further clarification, field duplicates are addressed in Section 6.2 of Appendix B, where they are identified as Grunerud-1/GAI-1 and Grunerud-1(DIS)/GAI-1(DIS). All applicable evaluation criteria were satisfied. No changes are needed in the main text, tables, Appendix B, and Appendix C.

Comment No. 8 – Appendix C; Section 4.1.2

The discussion of 'J-Qualified' copper should be removed. See comment No. 7 for details. 

Chino Response:

Please refer to Chino's response to Comment No. 7. The second paragraph of Section 4.1.2 in Appendix C states that the 'J' qualifier pertains to the method duplicate results and not field duplicate results. No changes are needed in Appendix C since the 'J' qualifier is assigned appropriately.